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9 Lead Counsel for the Class

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 RICHARD GREGORY, On Behalf of Himself ) Case No. C-04-4293-VRW  
and All Others Similarly Situated, )  
15 ) CLASS ACTION  
16 Plaintiff, )  
vs. ) STIPULATION AND [PROPOSED] ORDER  
17 ) RE TELEPHONIC PARTICIPATION BY  
CHIRON CORPORATION, HOWARD H. ) GEORGE A. BAUER III AT THE  
18 PIEN, JOHN A. LAMBERT and DAVID V. ) SETTLEMENT FAIRNESS HEARING  
SMITH, )  
19 Defendants. ) DATE: October 6, 2008  
 ) TIME: 10:00 a.m.  
 ) CTRM: Hon. Vaughn R. Walker  
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STIPULATION AND [PROPOSED] ORDER RE TELEPHONIC PARTICIPATION AT HEARING  
CASE NO.:CASE NO.:C-04-4293-VRW

DOCS441730v1

1 On June 18, 2008, pursuant to Fed. R. Civ. P. 23(e) the Court entered the Preliminary Order  
2 for Notice and Hearing in Connection with Settlement Proceedings (“Preliminary Order”) setting the  
3 Settlement Fairness Hearing on October 2, 2008, at 10:00 a.m.;

4 Following the Clerk's notification that the Court wanted to reschedule the hearing, on July  
5 14, 2008, the parties filed the Stipulation Regarding Supplemental Post-Card Notice re Change of  
6 Date of Settlement Fairness Hearing;

7 On July 15, 2008, the Court entered an Order resetting the Settlement Fairness Hearing to  
8 October 6, 2008, at 10:00 a.m.:

9 George A. Bauer III, a partner with the law firm of Milberg LLP, Plaintiff's Lead Counsel,  
10 participated in negotiating and documenting the terms of the Settlement, but Mr. Bauer is unable to  
11 physically attend the Settlement Fairness Hearing due to health issues affecting his ability to travel;

12 Jeff S. Westerman and Anita Kartalopoulos of Milberg LLP will be physically present at the  
13 Settlement Fairness Hearing but wish Mr. Bauer to participate by telephone, as the Court permitted  
14 for the initial preliminary approval hearing;

15 NOW, THEREFORE, the parties stipulate and agree, as follows:

16           1.        Mr. Bauer may participate in the Settlement Fairness Hearing October 6, 2008, at  
17 10:00 a.m. by telephone; and

18           2. Plaintiff's Lead Counsel shall make arrangements for the telephonic participation of  
19 Mr. Bauer.

20 | IT IS SO STIPULATED

21 || DATED: August 8, 2008

MILBERG LLP  
JEFF S. WESTERMAN

/s/ Jeff S. Westerman  
JEFF S. WESTERMAN

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13 *Counsel for Lead Plaintiff*

14 DATED: August 5, 2008

15 SKADDEN ARPS SLATE MEAGHER  
16 & FLOM LLP  
17 ERIC S. WAXMAN  
18 AMY S. PARK

19 \_\_\_\_\_  
20 /s/ Amy S. Park  
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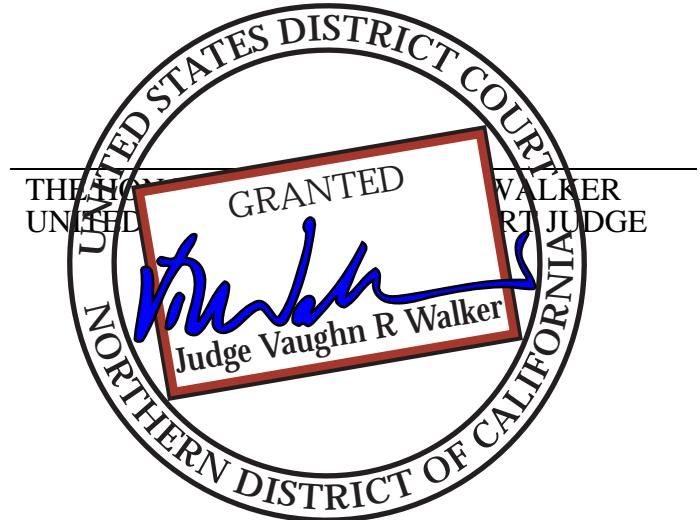
29 *Attorneys for Defendants*

1 ORDER

2 Having read and considered the parties' Stipulation and [Proposed] Order re Telephonic  
3 Participation by George A. Bauer III at the Settlement Fairness Hearing, the Court will permit Mr.  
4 Bauer to participate by telephone.

5 IT IS SO ORDERED.

6 DATED: 8/15/08, 2008



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1 DECLARATION OF SERVICE BY MAIL  
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3 I, the undersigned, declare:

4 1. That declarant is and was, at all times herein mentioned, employed in the County of  
5 Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that  
6 declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los  
7 Angeles, California 90071-3149.

8 2. That on August 8, 2008, declarant served the STIPULATION AND [PROPOSED]  
9 ORDER RE TELEPHONIC PARTICIPATION BY GEORGE A. BAUER III AT THE  
10 SETTLEMENT FAIRNESS HEARING by depositing a true copy thereof in a United States mailbox  
11 at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to  
12 the parties listed on the attached Service List.

13 3. That there is a regular communication by mail between the place of mailing and the  
14 places so addressed.

15 4. That on the above date, declarant served via e-mail to: scac@law.stanford.edu.

16 I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th  
17 day of August, 2008, at Los Angeles, California.

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ELIZABETH VILLALOBOS

**SERVICE LIST**

2 *Richard Gregory v. Chiron Corporation, et al.*  
 3 USDC ~ San Francisco - Case No.C-04-4293-VRW

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2	<b><i>Other Counsel</i></b>
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